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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

RAFAEL JASO MORENO,

Defendant and Appellant.

C086013

(Super. Ct. No.
STKCRFE20160013200)

Appointed counsel for defendant Rafael Jaso Moreno filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal that would result in a disposition more favorable to defendant. (*People v. Wende* (1979) 25 Cal.3d 436.) We affirm the judgment.

FACTS AND PROCEEDINGS

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 123-124.)

On September 3, 2016, defendant drove his car at an “extremely high rate of speed” and was passing vehicles “against the double yellow line.” He reached an intersection, missed the turn, and drove off the road. His car went up an embankment, causing the car to become airborne. Defendant’s car came down on a pick-up truck; the truck flipped over onto its side. One of the truck’s occupants died at the scene of the crash, the remaining three occupants suffered serious injuries.

The People charged defendant with several criminal acts, including vehicular manslaughter with gross negligence. (Pen. Code, § 192, subd. (c)(1).) The People also alleged defendant’s criminal conduct resulted in the infliction of great bodily injury to three different victims. (Pen. Code, § 12022.7, subd. (a).)

Defendant pleaded no contest to vehicular manslaughter with gross negligence. In exchange for defendant’s plea, the People moved to dismiss the remaining charges and allegations and agreed defendant would serve no more than six years in state prison. The court thus dismissed the remaining counts and struck the enhancement allegations.

The matter was referred to the probation department, and the probation department recommended defendant be granted probation. Defendant asked the court to grant probation; the People asked defendant to be sentenced to state prison. The trial court denied defendant’s request for probation and sentenced him to the middle term of four years in state prison. The court awarded defendant 40 days of custody credit and 40 days of conduct credit. The court also ordered defendant to pay various fines and fees.

DISCUSSION

Appointed counsel filed an opening brief, in which counsel set forth the facts of the case and asked us to determine whether there are any arguable issues on appeal that

would result in a disposition more favorable to defendant. (*People v. Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of counsel filing the opening brief. More than 30 days elapsed, and we received no such communication from defendant.

We examined the entire record and found no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

_____HULL_____, J.

We concur:

_____BLEASE_____, Acting P. J.

_____MAURO_____, J.